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In re Application of SCHREIBER et al	:	
U.S. Application No.: 09/890,078	:	DECISION ON PETITION
Int. Application No.: PCT/EP99/10241	:	
Int. Filing Date: 21 December 1999	:	UNDER 37 CFR 1.137(b)
Priority Date: 22 December 1998	:	
Attorney Docket No.: BEIERSDORF 724-WCG	:	
For: COSMETIC OR PHARMACEUTICAL GELS	:	
WHICH CONTAIN LECITHIN, OR LOW	:	
VISCOSITY O/W MICROEMULSIONS	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 CFR § 1.137(b)" filed 25 July 2001.

BACKGROUND

On 21 December 1999, applicant filed international application PCT/EP99/10241, which claimed priority of an earlier Germany application filed 22 December 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 29 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 June 2001.

International application PCT/EP99/10241 became abandoned as to the United States at midnight on 22 June 2001 for failure to pay the basic national fee.

On 25 July 2001, applicant filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

On 03 January 2002, applicant filed executed declarations.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 21 December 1999 and a date under 35 U.S.C. 371 of 03 January 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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